

## SUBCHAPTER D—SOCIOECONOMIC PROGRAMS

### PART 1519—SMALL BUSINESS PROGRAMS

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AUTHORITY: Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).

SOURCE: 49 FR 8855, Mar. 8, 1984, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 1519 appear at 61 FR 57338, Nov. 6, 1996.

#### Subpart 1519.2—Policies

##### 1519.201 Policy.

Each program's Assistant or Associate Administrator shall be responsible for developing its socioeconomic goals on a fiscal year basis. The goals shall be developed in collaboration with the supporting Chiefs of Contracting Offices and the local Small Business Specialist (SBS), and the Office of Small and Disadvantaged Business Utilization (OSDBU). The goals

will be based on advance procurement plans and past performance. The goals shall be submitted to the Director, OSDBU, at least thirty (30) days prior to the start of the fiscal year.

[49 FR 8855, Mar. 8, 1984, as amended at 61 FR 57338, 57339, Nov. 6, 1996]

##### 1519.201–71 Director of Small and Disadvantaged Business Utilization.

The Director, OSDBU, provides guidance and advice, as appropriate, to Agency program and contracts officials on small and small disadvantaged business programs. The Director, OSDBU, is the central point of contact for inquiries concerning the small and disadvantaged business programs from industry, the Small Business Administration (SBA), and the Congress, and shall advise the Administrator and staff of such inquiries as required. The Director, OSDBU, shall represent the Agency in the negotiations with the other Government agencies on small and small disadvantaged business matters.

[49 FR 8855, Mar. 8, 1984. Redesignated at 62 FR 57338, 57339, Nov. 6, 1997]

##### 1519.201–72 Small and disadvantaged business utilization specialists.

(a) Small Business Specialists (SBS) shall be appointed in writing for each contracting office. The SBS will normally be appointed from members of staffs of the appointing authority. The SBS is administratively responsible directly to the appointing authority and, on matters relating to small and small disadvantaged business program activities, receives technical guidance from the Director, OSDBU. The appointing authorities are the Chiefs of the Contracting Offices.

(b) A copy of each appointment and termination of all SBS specialists shall be forwarded to the Director, OSDBU. In addition to performing the duties outlined in paragraph (c) of this section that are normally performed in the activity to which assigned, the SBS shall perform such additional functions as may be prescribed from time to time in furtherance of overall small and

small disadvantaged business utilization program goals. The SBS may be appointed on either a full- or part-time basis; however, when appointed on a part-time basis, the small business duty shall take precedence over collateral responsibilities.

(c) The SBS appointed pursuant to paragraph (a) of this section, shall perform the following duties as appropriate:

(1) Maintain a program designed to locate capable small business sources for current and future acquisitions;

(2) Coordinate inquiries and requests for advice from small and small disadvantaged business concerns on acquisition matters;

(3) Review all proposed solicitations in excess of the simplified acquisition threshold, assure that small business concerns will be afforded an equitable opportunity to compete, and, as appropriate, initiate recommendations for small business set-asides, or offers of requirements to the SBA for the 8(a) program, and complete EPA Form 1900-37, "Record of Procurement Request Review," as appropriate;

(4) Take action to assure the availability of adequate specifications and drawings, when necessary, to obtain small business participation in an acquisition. When small business concerns cannot be given an opportunity on a current acquisition, initiate action, in writing, with appropriate technical and contracting personnel to ensure that necessary specifications and/or drawings for future acquisitions are available.

(5) Review proposed contracts for possible breakout of items or services suitable for acquisition from small business and small disadvantaged business concerns;

(6) Advise small businesses with respect to the financial assistance available under existing laws and regulations and assist such concerns in applying for financial assistance;

(7) Participate in the evaluation of a prime contractor's small business subcontracting programs;

(8) Assure that adequate records are maintained, and accurate reports prepared, concerning small business participation in acquisition programs (see 1519.202-5);

(9) Make available to SBA copies of solicitations when so requested;

(10) Act as liaison with the appropriate SBA office or representative in connection with set-asides, certificates of competency, size classification, and any other matter concerning the small or small disadvantaged business programs.

[49 FR 8855, Mar. 8, 1984, as amended at 55 FR 24579, June 18, 1990. Redesignated and amended at 61 FR 57338, 57339, Nov. 6, 1996]

#### **1519.202-5 Data collection and reporting requirements.**

(a) As required, monthly reports of factual information, covering acquisition actions and dollars awarded to small businesses, small disadvantaged businesses, women-owned small businesses, the Small Business Administration under the authority of section 8(a) of the Small Business Act, and information on actions and dollars made under small business set-asides shall be submitted by the Procurement and Contracts Management Division, to the Director, OSDBU.

(b) The Financial Management Division will submit to the Director, OSDBU, a copy of the Small Purchase Activity Report that shows by each EPA purchasing activity the following information (cumulative monthly) for small purchases:

(1) Total actions and dollar value of awards;

(2) Total actions and dollar value of awards to all businesses;

(3) Total actions and dollar value of awards to small businesses;

(4) Total actions and dollar value of construction awards to small businesses made by set-aside;

(5) Total actions and dollar value of small business awards made by set-asides, excluding set-asides for construction;

(6) Total actions and dollar value of awards made to the Small Business Administration pursuant to section 8(a) of the Small Business Act; and

(7) Total actions and dollar value of awards made to small disadvantaged businesses.

(c) The reports identified in paragraphs (a) and (b) of this section are to be submitted to the Director, OSDBU, no later than the 20th day following

the end of the reporting period with the exception of the last report of the fiscal year which shall be submitted no later than the 30th day following the end of the fiscal year.

#### **1519.203 Mentor-protege.**

(a) The Contracting officer shall insert the clause at 1552.219-70, Mentor-Protege Program, in all contracts under which the Contractor has been approved to participate in the EPA Mentor-Protege Program.

(b) The Contracting officer shall insert the provision at 1552.219-71, Procedures for Participation in the EPA Mentor-Protege Program, in all solicitations valued at \$500,000 or more which will be cost-plus-award-fee or cost-plus fixed-fee contracts.

[65 FR 58923, Oct. 3, 2000]

#### **1519.204 Small disadvantaged business participation.**

(a) The Contracting officer shall insert the provision at 1552.219-72, Small Disadvantaged Business Participation Program, or a provision substantially the same as 1552.219-72, in solicitations for acquisitions subject to FAR 19.12 that will evaluate the extent of the participation of Small Disadvantaged Business (SDB) concerns in the performance of a resulting contract.

(b) The Contracting officer shall insert the clause at 1552.219-73, Small Disadvantaged Business Targets, or one substantially the same as 1552.219-73, in solicitations and contracts for acquisitions subject to FAR 19.12 that evaluate the extent of participation of SDB concerns in the performance of the contract and which included solicitation provision 1552.219-72.

(c) The Contracting officer shall insert the evaluation provision at 1552.219-74, Small Disadvantaged Business Participation Evaluation Factor, (and assign a value to it), or one substantially the same as 1552.219-74, in solicitations for acquisitions subject to FAR 19.12 that include the provision at 1552.219-72 and will evaluate the extent of participation of SDB concerns in the performance of the contract.

[65 FR 58923, Oct. 3, 2000]

### **Subpart 1519.5—Set-Asides for Small Business**

#### **1519.501 Review of acquisitions.**

(a) If no Small Business Administration (SBA) representative is available, the Small Business Specialist (SBS) shall initiate recommendations to the Contracting Officer for small business set-asides with respect to individual acquisitions or classes of acquisitions or portions thereof.

(b) When the SBS has recommended that all, or a portion, of an individual acquisition or class of acquisitions be set aside for small business, the Contracting Officer shall promptly either: (1) Concur in the recommendation or (2) disapprove the recommendation, stating in writing the reasons for disapproval. If the Contracting Officer disapproves the recommendation of the SBS, the SBS may appeal to the appropriate appointing authority, whose decision shall be final.

[49 FR 8855, Mar. 8, 1984, as amended at 61 FR 57338, 57339, Nov. 6, 1996]

#### **1519.503 Class set-aside for construction.**

(a) Each proposed acquisition for construction estimated to cost between \$10,000 and \$1,000,000 shall be set-aside for exclusive small business participation. Such set-asides shall be considered to be unilateral small business set-asides, and shall be withdrawn in accordance with the procedure of FAR 19.506 only if found not to serve the best interest of the Government.

(b) Small business set-aside preferences for construction acquisitions in excess of \$1,000,000 shall be considered on a case-by-case basis.

### **Subpart 1519.6—Certificates of Competency and Determinations of Eligibility [Reserved]**

## **1519.705-2**

### **Subpart 1519.7—Subcontracting With Small Business and Small Disadvantaged Business Concerns**

#### **1519.705-2 Determining the need for a subcontract plan.**

One copy of the determination required by FAR 19.705-2(c) shall be placed in the contract file and one copy provided the Director, Office of Small and Disadvantaged Business Utilization (OSDBU).

#### **1519.705-4 Reviewing the subcontracting plan.**

In determining the acceptability of a proposed subcontracting plan, the Contracting Officer shall obtain advice and recommendations from the OSDBU, which shall in turn coordinate review by the Small Business Administration Procurement Center Representative (if any).

#### **1519.705-70 Synopsis of contracts containing Pub. L. 95-507 subcontracting plans and goals.**

The synopsis of contract award, where applicable, shall include a statement identifying the contract as one containing Pub. L. 95-507 subcontracting plans and goals.

[49 FR 8855, Mar. 8, 1984; 49 FR 24734, June 15, 1984]

## **PART 1520—LABOR SURPLUS AREA CONCERNS**

AUTHORITY: Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).

### **Subpart 1520.1—General [Reserved]**

### **Subpart 1520.3—Labor Surplus Area Subcontracting Program [Reserved]**

## **PART 1522—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS**

### **Subpart 1522.1—Basic Labor Policies**

Sec.  
1522.103 Overtime.

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### **Subpart 1522.6—Walsh-Healey Public Contracts Act**

1522.608 Procedures.

### **Subpart 1522.8—Equal Employment Opportunity**

1522.803 Responsibilities.

1522.804 Affirmative action programs.

1522.804-2 Construction.

### **Subpart 1522.10—Service Contract Act of 1965 [Reserved]**

### **Subpart 1522.13—Special Disabled and Vietnam Era Veterans [Reserved]**

### **Subpart 1522.14—Employment of the Handicapped [Reserved]**

AUTHORITY: Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).

SOURCE: 49 FR 8857, June 15, 1984, unless otherwise noted.

### **Subpart 1522.1—Basic Labor Policies**

1522.103 Overtime.

### **Subpart 1522.6—Walsh-Healey Public Contracts Act**

1522.608 Procedures.

### **Subpart 1522.8—Equal Employment Opportunity**

1522.803 Responsibilities.

If the applicability of E.O. 11246 and implementing regulations are questioned, the Contracting Officer shall route the matter through the CCO to the EPA Office of Civil Rights.

[49 FR 8857, June 15, 1984, as amended at 55 FR 24579, June 18, 1990; 59 FR 18976, Apr. 21, 1994]

1522.804 Affirmative action programs.

1522.804-2 Construction.

Each contracting office having construction contract responsibility shall maintain a list of geographical areas subject to affirmative action requirements. The list can be obtained from